



Economic Impact Analysis Virginia Department of Planning and Budget

9 VAC 5 - 40 – Existing Stationary Sources
Department of Environmental Quality
April 16, 2012

Summary of the Proposed Amendments to Regulation

The State Air Pollution Control Board (Board) proposes to repeal the consumer product portion (Article 39, Article 42, and Article 50) of these regulations since those provisions have been duplicated and updated in the new chapter, 9VAC5-45 (Consumer and Commercial Products).

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The regulatory language in question has been superseded by provisions in the newly promulgated 9VAC5-45 (Consumer and Commercial Products). Thus the proposed repeal of Article 39, Article 42, and Article 50 in 9VAC5-40 will have no impact beyond perhaps reducing potential confusion amongst the public.

Businesses and Entities Affected

Since the regulatory language proposed for repeal has been superseded by provisions in the newly promulgated 9VAC5-45, there are no businesses or entities which are affected by the proposed repeal. The subject matter of the regulations applies to: 1) companies and members of the public who provide asphalt paving services, 2) companies and members of the public that use or consume portable fuel containers, architectural coatings, or consumer products, 3) companies that manufacture or supply asphalt paving products, portable fuel containers, architectural coatings, or consumer products, and 4) businesses that apply asphalt pavement surfaces and coatings or architectural coatings. The Department of Environmental Quality estimates that there

are as many as 3250 small businesses that might have an interest in the proposed repeal, but none would be affected in any significant way due to the promulgation of 9VAC5-45.

Localities Particularly Affected

The proposed repeal of the regulatory language does not have a disproportionate effect on any particular localities.

Projected Impact on Employment

The proposed repeal of the regulatory language will not affect employment.

Effects on the Use and Value of Private Property

The proposed repeal of the regulatory language will not affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed repeal of the regulatory language will not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed repeal of the regulatory language will not significantly affect small businesses.

Real Estate Development Costs

The proposed repeal of the regulatory language will not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed

regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.